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BOOK NOTICES.

Underhill on Evidence. By H. C. Underhill of the New York and Brooklyn Bar. One volume, 8 vo., law sheep, 691 pages. Price, \$6.00 net. T. H. Flood & Co., Chicago.

The "main object" of this volume is stated to be "to present in a concise and clear narrative a reasonably comprehensive statement of the rules and principles of the existing law of evidence for the use of students of law pursuing their studies in law schools or elsewhere." Instructors of law students have long felt the need of a new text book in that field where "Greenleaf on Evidence" has hitherto held supremacy. The inexorable law of evolution has not spared the rules of evidence, but on the contrary has found in them peculiarly susceptible material, and the text book last referred to in its many editioned and endlessly foot-noted efforts to keep the pace is no longer a model text-book. It has a noble history and distinguished merits, but when the modern footnote rises up too frequently to call the ancient text untruthful, the students lose interest in the subject. The volume under review therefore seeks to enter a field which is by no means fully occupied. It shows also the results of a studious effort to fulfill its prospectus. Its order of treatment, it is true, does not seem to us entirely logical, but we observe that neither courts nor lawyers often agree as to what is logical in that connection. Its style is perspicuous and its law appears to be contemporaneous and good. Its author, however, has not studied the Connecticut reports exhaustively, else *Farrell v. H. R. R. Co.*, 60 Conn. 239, would have been cited upon the question as to when negligence is matter of law and when matter of fact, and *Fay v. Reynolds*, 60 Conn. 217, as to the force of the so-called presumption of innocence in civil cases involving proof of crime. The rule in York's case is also conspicuously absent. The chapters on Expert and Opinion Evidence, Privileged Communications, Judicial Notice, and Competency of Witnesses, are modern and valuable. Realizing that to the average student the brief and juiceless precision of Stephen is not so attractive and therefore not so profitable as the more companionable style of Greenleaf, the author has not neglected to expand his text with apposite illustrations and modest literary effects. The book is easy to read. It shows also—and this is a much needed feature in such books—how the rules of evidence are applied in actual practice; how to conduct an examination in court; how to get, use, support and attack witnesses, and, in short, gives much practical advice in that direction for which a

beginner may well be grateful. It appears to be a valuable treatise and one which in actual use will demonstrate its right to an existence. This is sufficient praise for any modern law book.

The Law of Eminent Domain in the United States. By Carman F. Randolph. One volume, 8 vo., law sheep. cxxv+462 pp. Price \$5.50 net. Little, Brown & Co., Boston, 1894.

This is a learned and scholarly monograph on a subject which increases in importance with the material progress of our country, and which interests every property owner in the United States. Eminent domain is the right of the State to take private property for public use on payment of compensation. The extension of our highways, the expansion of our steam and electric railroads, together with the vast engineering schemes for the reclamation of swamp lands, and the irrigation of arid lands, are but a suggestion of the innumerable progressive movements which are constantly demanding of the State an exercise of the eminent domain. As a result of the constant and varied application of this right a great body of law has been created. Mr. Randolph has written this book for the purpose of presenting the principles of this law, and the rules governing its application. The first chapter contains a brief historical sketch of the rise and development of the right of eminent domain in this and foreign countries, with a comparative view of this power and kindred powers. The subject is treated clearly and interestingly, and forms an admirable introduction to the thirteen subsequent chapters, which discuss among other topics, the Jurisdiction of the Federal and State Courts, and the Effect of the Federal Constitution on State Eminent Domain; Public Use, with an analysis of what constitutes public purpose and who determines it; the Authority to Condemn Property, with its exercise by and qualification of agents; Interference with Private Property in furtherance of Public Purpose, and Compensation and Damages. The author also discusses very fully the rules of procedure by which the rights and obligations incident to the exercise of the eminent domain are enforced, together with the legal and equitable remedies for wrongful interferences with property under cover of the public interest. Mr. Randolph's style is clear and forcible and his volume shows conscientious and laborious research. He has given a clear presentation of the general principles of the law of eminent domain applicable to all the states, and not mere local interpretations of the law, and has supported his statements by citations of only those cases that he has personally examined. The work will be accepted by the profession as a trustworthy, authoritative statement of the law, and a valuable